

Notice of Allowability	Application No.	Applicant(s)
	10/500,437	WAGNER, ERNST
	Examiner Ryan Christensen	Art Unit 2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 9-11-2006.
2. The allowed claim(s) is/are 14-19, 21-29.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 14-29 are allowed.
2. The primary reason for the allowance of claims 14, 22 and 29 is the inclusion of an oxygen sensor and a reference oxygen sensor where the signals produced from both sensors are compared in order to issue an alarm, and where the reference sensor is turned on at regular time intervals in order to produce a second signal and prevent aging of the reference oxygen sensor. It is these features found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.
3. U.S. Patent Application Publication 2002/0040940 (Wagner et al.) discloses a method for controlling fires including an enclosed space and an oxygen sensor. The gas is sampled from the enclosed space through piping with a plurality of holes. The fire detector, including an oxygen sensor, monitors for "fire characteristics" and actuates measures to extinguish a fire when these characteristics are detected. There is no teaching or suggestion to include a second reference sensor.
4. U.S. Patent 6,131,439 (Hamburg et al.) discloses calibrating an oxygen sensor with a reference sensor. Hamburg et al. do not disclose preserving the reference

sensor by activating it at regular time intervals, and issuing an alarm based on the difference in the two signals.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,601,653 (Grabow et al.) discloses a system for fire suppression by lowering oxygen concentration in a closed space.

U.S. Patent 6,672,397 (Taylor) discloses a fire control system for reducing Oxygen in an enclosed area.

U.S. Patent 6,634,598 (Susko) discloses an inerting system for suppression Oxygen levels in an enclosed area.

U.S. Patent 3,893,514 (Carhart et al.) discloses inerting a closed area with nitrogen in order to suppress a fire.

U.S. Patent 5,267,897 (Drees) discloses monitoring Carbon Dioxide in an air conditioning system for which introduces fresh air from outside into the system.

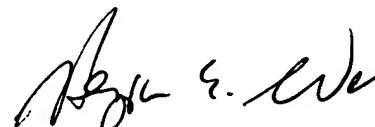
U.S. Patent 5,976,010 (Reese et al.) discloses an air quality maintenance system that controls the level of carbon dioxide by introducing fresh air.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Christensen whose telephone number is 571-272-2683. The examiner can normally be reached on Monday - Friday, 8am - 5pm.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RC



Hezron Williams
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800